Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/583,863	NATHAN ET. AL.
	Examiner	Art Unit
	Hai Tran	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/09/2005 has been entered.

Response to Arguments

Applicant's arguments filed 11/09/2005 have been fully considered but they are

not persuasive.

Applicant argues, "...Nathan does not require that a specific reception is created

for each received file." and further states, "Nathan specifies that at the input phase, the

video task is designed to transfer data received in the telecommunication buffer to the

mass storage; the same true for all the audio task (page 18, lines 5-10). As

consequence, only one task processes all the received files."

In response, the Examiner respectfully disagrees with Applicant. In view of

Applicant remark, it seems Applicant contradicts himself because Applicant self-

admitted that each task, i.e., video task, audio task... is designed to transfer data, i.e.,

video, audio... received in the corresponding buffers of the mass storage. Hence, the

Examiner does not understand how Applicant could conclude that "only one task

processes all the received files"? In view of that, it's clear that multiple tasks are

performed ,as disclosed; therefore, the Examiner maintains the rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

1. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Guy Nathan

set al. (WO 96/12257).

Claim 1, Guy Nathan discloses a method for receiving files sent by a central

server to an audiovisual data reproduction system (jukebox 1) managed by an OS

and linked to the server (41), using a data transfer link (Communication link between

jukebox and server through the "adaptateur de modem de telecommunications";

page 10, lines 3-6), the process (Abstract) comprising:

initializing a link between the central server and an audiovisual data reproduction

system (page 13, lines 12-26 and page 16, lines 1-15);

storing files, sent by the central server 41 on storage means 21 of the audiovisual

data reproduction system (jukebox; page 12, lines 18-20; page 18, lines 5-10), each

file comprising specified information representative of the type of data contained in

the file (each audiovisual file comprising specified information (record's field)

representative of the type of data contained in the file (see Fig. 6, el. 1613 permet de

connaitre la categories a savoir jazz, classique, variete, etc...page 21, lines 14-15

and see page 21, lines 4-page 22, lines 17); a specific reception function being

associated to each received file (page 18, lines 15-20; "...dans l'ordre de priorite un

premier test (761) pour determiner si la _tache video_ est active....pour determiner si

la _tache son_ est active... determine si la _tache communication_ est active..."),

"searching, for each file received, a specific reception function specific to the

received file, this search step being carried out by means of the specified information

representative of the type of data contained in the file" reads on page 18, lines 13-

15 and Nathan's Database management system (a specific reception function)

because DBMS is a software interface between the database and the user in which

the DBMS handles performs database actions, i.e., search, update, retrieve,... of the

database 's records (audiovisual files) of the database stored on the storage by the

record 's fields (specified information) representative of the type of data contained in

the record (...effectuer les mises a jour des base de donnees ou de version de

chanson souhaitees; page 25, lines 18-20).

"processing each file by the corresponding reception function, the processing

comprising copying the file received to a specified storage area" reads on Nathan' s

Database management system inherently comprises the process of writing/copying

of the file received to a specified storage area 21, as discussed above ("mises a jour

des base de données" page 25, lines 18-23 and page 22, lines 18-27);

Claim 2, Guy Nathan further discloses " wherein the storage step includes opening a file in any permanent memory with a available area of a specified minimum value, sufficient to write the entire data of the sent file" is further met by Nathan because the system inherently check ahead for space availability on the storage device before the system able to write the entire/complete received files to it (...si l'enregistrement d'une ou plusieurs chansons ou video ou encore d'une parties de chanson ou video n'a pu etre fait faute de place suffisante sur le disque ou les moyens de stockage..., see page 25, lines 35-page 26, lines 8).

Claim 3, Guy Nathan further discloses wherein the processing step comprises updating of a database of the audiovisual data reproduction system (Jukebox) to account for the data contained in the file received (page 22, lines 23-27 and page 24, lines 8-24 and pages 25, lines 18-22);

Claim 4, Guy Nathan further discloses wherein the search step is activated when the last data packet (...ou enfin l'indication qu'il sagit d'un dernier bloc de transmission; page 23, lines 18-20) corresponding to a whole file is stored in the memory (the system checks the status of the last received packets, i.e., "pas de detection derrieres; page 24, lines 8- page 25, lines 13); Accordingly, the system depends on this 3rd field (un troisieme champ 812) for determining the downloading process is complete or not so that the system is able to proceed to the next step,

i.e., write the downloaded file to the database/disk drive or requests the server for

retransmission (...Ceci permet au central de les reemettre; page 25, lines 28-34).

Claim 5, Guy Nathan further discloses wherein the specified information

comprises the file extension or the name of the file received (Fig. 6; page 21, lines 4-

17);

Claim 6, Guy Nathan further discloses wherein when the specified information

represent a song file, the database update step comprises at least one of the

following steps: checking the compatibility of the song file with a version of an

operating system of the audiovisual data reproduction system (page 23, lines 8-13;

page 24, lines 9-page 25, lines 22); updating a file stored on the audiovisual data

reproduction system containing the identification of all the song stored on the

audiovisual data reproduction system; updating a statistic table in the data base

making it possible to determine the selection frequency of the song corresponding to

the file stored in memory (page 23, lines 12); updating a purchase table containing

the number and name of all the songs purchased for the reproduction system (page

7, lines 7-10; page 22, lines 18-27); "updating a counter of songs that can be

selected to check that the number of songs that can be selected is not greater than a

specified threshold" reads on Nathan's system provides a message to the operator

indicating the number of songs could not be downloaded/recorded to the system due

to the size/capacity of the storage is not enough and permits the operator to decide

to remove of certain song from the selected list or storage so the

downloading/recording process (...le system...signale par un affichage...les

numeros de chanson ou video qui n'ont pu etre enregistres faute de place. Ceci

permet au gérant après avoir décide l'effacement de certaines chansons ou vidéo du

disque dur de redemander au central l'envoi de ces chanson ou vidéo ou de la partie

non reçue ; page 26, lines 5-8).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.
The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
01/20/2006

HAI TRAN
PRIMARY EXAMINEP